

No. 14/13/87-6Lab./11.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Sanchan Processing Industries, Mansi Road, Jind versus Upender Yadav.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. 210 of 1994

between

**SHRI UPENDER YADAV, HOUSE NO. 26/5, PANT NAGAR, PANIPAT CHOWK,
JIND**

.. Workman

and

**THE MANAGEMENT OF M/S SANCHAN PROCESSING INDUSTRIES, HANSI ROAD,
JIND.**

Present :

Shri H. K. Jangra, authorised representative for the workman.

None for the management (*ex parte*).

AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above to this Court for adjudication,—*vide Labour Department, Endorsement No. ID/BHI/23-94/17070—75, dated 2nd May, 1994* :—

Whether the termination of services of Shri Upender Yadav is justified and in order? If not, to what relief he is entitled?

2. The workman and the management were summoned. The workman appeared and is relying upon his demand notice that he had been in the service of the respondent for about seven years as he was proceeded on authorised leave duly sanctioned from 3rd June, 1993 to 3rd July, 1993. He requested for grant of extension of leave in continuation to your goodself with the reason that both the sons had been ailing at home town,—*vide* registered letter dated 8th July, 1993. It implies that requested upto 17th July, 1993 having been accepted by your in absence of its refusal from your part till 17th July, 1993. Accordingly he reported for duty on 17th July, 1993 but the management refused to allow him in factory premises. But action of the management has been in violation of provisions of Industrial Disputes Act, 1947 read with Section 25-F (oo). He was not served with any notice or retrenchment and Government was also not conveyed which is mandatory in the Industrial Disputes Act. The workman has made request to the management to allow him on duty immediately and the wages for entire period of leave spent as authorised leave shall please be made to him within six days. Hence this application was filed to direct the management to release the pay from May, 1993 to June, 1993 forthwith to tide over the starvation of family members inclusive of him.

3. The management has been summon in ordinary or by registered post. It has refused to receive the summon and it was proceeded against *ex parte*. In *ex parte* evidence the workman has come into witness box as WW-1 and closed his evidence.

4. I received reference whether the termination of service of the workman is legal or proper or not if so to what effect. When the workman has not himself alleging that his services were terminated. I am of the view that the reference received is incorrectly given because when the workman himself has not claiming that his services have been illegally terminated. The workman has claimed amount due against the management and of which I have not received reference. Hence I find that evidence examined, and the application filed by the workman is against the reference received by this Court and I dismiss the reference. The reference is answered and returned accordingly. The parties are left to bear their own costs.

P. L. KHANDUJA,

The 12th December, 1994.

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. ref. 210-94/2972, dated the 15th December, 1994.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

No. 14/13/87/6Lab./14.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. President, Municipal Committee, Beri *versus* Om Parkash.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK.

Reference No. 145 of 1991

between

SHRI OM PARKASH, S/O SHRI NATHU RAM, V. P. O. BERI, TEH. JHAJJAR,
DISTT. ROHTAK, WORKMAN

and

THE MANAGEMENT OF M/S PRESIDENT, MUNICIPAL COMMITTEE,
BERI.

Present :

Shri V. S. Singal, A.R. for the workman.

None for the management (*ex parte*).

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 'the Governor of Haryana' referred 'the following dispute between the parties, named above, to this Court for adjudication,—*vide* Labour Department, Endorsement No. SOV/Roh/116-91/42870, dated 11th December, 1991 :—'

Whether termination of services of Shri Om Parkash is justified and in order ? If not, to what relief, he is entitled ?

2. The workman and the management, were summoned. The workman appeared and filed the claim statement that he was working with the respondent since 1987 as Sweeper-cum-Labour on daily wages and has not given any chance of any complaint during his tenure of period of service. The management terminated his services on 20th April, 1990 without assigning any reason or reasonable cause. The workman was appointed on temporary post and has completed more than 240 days in a calendar year, therefore, the workman is entitled to be heard before giving any sort of punishment. Such type of termination is absolutely illegal, unwarranted, unconstitutional and against the principle of natural justice. At the time of termination no notice was given to the workman by the management, no charge-sheet was issued to the workman and no enquiry was held by the management and no notice was sent to the Government on the prescribed form and no retrenchment compensation was paid to the workman. Therefore, the management have contravened section 25-F of the I. D. Act and the mandatory provisions of chapter 5-A of the I. D. Act were not complied with. Some junior persons are also working in the office of the management on the same post and the management have not adopted the procedure of the last come first go in this

way the management have contravened section 25-G & H of the I. D. Act. Hence this claim-statement was filed that he be reinstated with full back wages, alongwith continuity of service and also with other statutory benefits.

3. The management was served and Shri Khazan Singh authorised by the respondent appeared on one date but he did not appear later on and the management was proceeded against *ex parte*. In *ex parte* evidence the workmen has come into witness box as WWI and closed the evidence.

4. From the statement of workman when he stated that he was appointed as sweeper-cum-labour in 1987 but his services were terminated on 20th April, 1990 without reason or reasonable cause and without giving him any notice, notice pay, charge-sheet. It is proved that he was retrenched illegally. I as such hold that his termination is illegal. I accept the reference petition and direct the management to re-employ him with continuity of services but with 50% (FIFTY) of back wages. The reference is answered and returned accordingly. The parties are left to bear their own costs.

P. L. KHANDUJA,

The 8th December, 1994.

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. 145-91/2966, dated the 15th December, 1994.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh.

P. L. KHANDUJA,
Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

No. 14/13/87-6 Lab./17.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of Executive Engineer, Provincial Division No. I, P. W. D. (B & R), Rohtak *versus* Dayanand.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Ref. No. 83 of 1994

between

SHRI DAYANAND, S/O SHRI CHATTAR SINGH, VILLAGE GIRAWAR, TEHSIL MEHAM,
DISTRICT ROHTAK, WORKMAN

and

THE MANAGEMENT OF EXECUTIVE ENGINEER, PROVINCIAL DIVISION NO. 1,
P. W. D. (B & R), ROHTAK.

Present :

Workman in person.

Shri P. K. Singla, J. E. for the respondent.

AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute between

the parties named above to this Court for adjudication,—*vide* Labour Department Endorsement No. OV/13869—74, dated 7th April, 1994 :—

Whether the termination of services of Shri Dayanand, is justified and in order ? If not, to what relief he is entitled ?

2. The workman has made statement recorded separately. In view of his statement the reference is dismissed as settled. The reference is answered and returned accordingly. The parties are left to bear their own costs.

The 1st December, 1994.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. reference 53-94/2962, dated the 15th December, 1994.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

No. 14/13/87-6 Lab./29.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court II, Faridabad in respect of the dispute between the workman and the management of M/s I. A. P. Brakes, Plot No. 5, Sector 6, Faridabad *versus* Suresh Kumar.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER,
LABOUR COURT-II, FARIDABAD

Reference No. 37/90

between

THE MANAGEMENT OF M/S I. A. P. BRAKES, PLOT NO. 5, SECTOR 6,
FARIDABAD

versus

THE WORKMAN NAMELY SHRI SURESH KUMAR, S/O SHRI MADHUSUDAN NAYAK
C/O DISTRICT L. M. S. HANUMAN MANDIR, SECTOR 22, FARIDABAD

Present:

Shri D. S. Tewaria, for the workman.

Shri Jagbir Bhadana, for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'), the Governor of Haryana referred the following dispute, between the parties mentioned above, to this Court for adjudication,—*vide* Haryana Government Endorsement No. 6201—6, dated 15th February, 1990:—

Whether the termination of services of Shri Suresh Kumar, is legal and justified ? If not, to what relief is he entitled to ?

2. Both the parties were summoned and they appeared. Issues were framed on the pleadings of the parties.

3. Today the parties have settled the dispute amicably. The management has agreed to take back the workman in service as helper with continuity in service with effect from 16th May, 1989. The workman has given up his claim for back wages. The management has paid fee Rs 2,000 to the AR for the workman. The award is passed accordingly

U. B. KHANDUJA,

The 23rd December, 1994.

Presiding Officer,
Labour Court-II, Faridabad.

Endorsement No. 3427, dated the 23rd December, 1994.

A copy with three spare copies is forwarded to the Financial Commissioner and Secretary to the Government, Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II, Faridabad.

No. 14/13/87-6 Lab./31.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Refractories (P) Ltd., *versus* Banarsi Punnu. :—

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER,
LABOUR COURT-II, FARIDABAD

Ref. No. 208/94

between

THE MANAGEMENT OF M/S HARYANA REFRACTORIES (P) LTD., PLOT NO. 65—66,
SECTOR 25, FARIDABAD

versus

THE WORKMAN NAMELY SHRI BANARASI PUNNU C/O FARIDABAD KAMGARH UNION
(REGD.) CITU OFFICE, BHUD COLONY, OLD FARIDABAD

Present :

Sh. Rakesh Bansal, for the workman

None for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above to this Court, for adjudication,—*vide* Haryana Government Endorsement No. 24822—27, dated 24th June, 1994 :—

Whether the termination of services of Shri Banarsi Punnu is legal and justified ? If not, to what relief he is entitled to ?

2. The case of the workman is that he was appointed by the management as helper on 1st January, 1993 and his last drawn wages were Rs. 1134.60. The employees union served a demand notice dated 10th April, 1993 on the management giving 15 days time to settle the demand. The management instead of settling the dispute on 1st July, 1993 all of a sudden stopped the present workman and 22 other workmen on the gate. They lodged a complaint with the Labour Inspector

and the management was summoned to appear and produce record on 13th July, 1993. The management did not produce the record before the Labour Inspector on 13th July, 1993 and so they were advised to serve demand notice. The termination of his services effect in this manner by the management is illegal and unjustified. He is thus, entitled to be reinstated into service with continuity in service with full back wages.

3. Notice was sent to the management under registered cover to appear in the court but it was received back undelivered with the remarks of the postal authorities that they had refused to take notice. Consequently, it was ordered that the management be proceeded against *ex parte*.

4. The workman has led evidence by filing affidavit containing the aforesaid position.

5. I have heard the authorised representative of the workman.

6. It stands proved from the unrefuted position given in the affidavit that the services of the workman were terminated illegally in violation of the provisions of section 25-F of the Act. Consequently, the workman is entitled to be reinstated into service with continuity in service and full back wages. The award is passed accordingly.

U. B. KHANDUJA,

The 23rd December, 1994.

Presiding Officer,
Labour Court-II, Faridabad.

Endst. No. 3440, dated the 23rd December, 1994.

A copy, with three spare copies, is forwarded to the Financial Commissioner and Secretary to Government, Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II, Faridabad.

No. 14/13/87-6Lab./34.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s. Haryana Minerals Ltd., Stone Mines Kheri, Jamalpur, Faridabad *versus* Shri Mool Chand Sharma.

IN THE COURT OF SHRI U.B. KHANDUJA, PRESIDING OFFICER, LABOUR COURT-II, FARIDABAD.

Reference No. 142/94

Between

THE MANAGEMENT OF M/S HARYANA MINERALS LTD., STONE MINES KHERI,
JAMALPUR, FARIDABAD

and

THE WORKMAN NAMELY SHRI MOOL CHAND SHARMA C/O SH. C. L. GERA,
A/118, N. I. T., FARIDABAD

Present :

None.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, (hereinafter referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties, mentioned above, to this Court, for adjudication,—*vide* Haryana Government endorsement No. 19849 - 54, dated the 18th May, 1994.

Whether the termination of services of Shri Mool Chand Sharma is legal and justified ? If not, to relief, is he entitled to ?

2. The workman had not indicated his independent address in the demand notice. He had indicated his address C/o Sh. C. L. Gera (workman representative) 2A/118, N. I. T. Faridabad. Notice sent to the workman under registered cover on this address was not received back undelivered. However, on 4th November, 1994 Sh. C. L. Gera appeared and submitted an application that the claimant had not received any notice. In that situation Sh. C. L. Gera was directed to furnish on 17th November, 1994 authority letter of the workman authorising him to represent him on 17th November, 1994 the case was adjourned to 18th November, 1994 and then to 21st November, 1994. On 21st November, 1994 Sh. Panchanand appeared on behalf of Sh. C. L. Gera and again requested for adjournment to file authority letter. The case was thus, fixed for today for filing of the authority letter but none is present on behalf of the workman.

3. Notice sent under registered cover to the management was also not received back undelivered. None had also appeared on behalf of the management.

4. In the aforesaid circumstances, the court is left with no option but to pass no claim award and it is passed accordingly.

The 23th December, 1994.

U. B. KHANDUJA,

Presiding Officer,

Labour Court-II,
Faridabad.

Endorsement No. 3425, dated the 23rd December, 1994.

A copy, with three spare copies, is forwarded to the Financial Commissioner and Secretary to the Government, Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

No. 14/13/87-6Lab./35.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s Escorts Ltd. Plot No. 2, Faridabad *versus* Devender Kumar :—

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER, LABOUR COURT-II,
FARIDABAD

Reference No. 609/88

between

THE MANAGEMENT OF M/S ESCORTS LTD., PLOT NO. 2 (MOTOR CYCLE
DIVISION) 19/6, MATHURA ROAD, FARIDABAD

and

THE WORKMAN NAMELY DEVENDER KUMAR, S/O SH. NAHAR SINGH,
HOUSE NO. 5-M/7, GANDHI NAGAR, RAILWAY ROAD, FARIDABAD

Present :

Workman in person.

Shri S. S. Sethi, AR, for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above, to this court for adjudication,—*vide* Haryana Government endorsement No. 31283—88, dated the 7th August, 1987 :—

Whether the termination of services of Shri Devender Kumar is legal and justified? If not, to what relief, is he entitled to?

2. Both the parties were summoned. They appeared and submitted pleadings. Issues were framed. The management also led evidence. At this stage the parties have settled the dispute amicably. A sum of Rs. 36,000 has been paid to the workman through cheque by way of full and final settlement of the dispute. He has relinquished his right for his reinstatement. Consequently, the dispute referred for adjudication does not survive. The award is passed accordingly.

U. B. KHANDUJA,

The 21st December, 1994.

Presiding Officer,
Labour Court-II,
Faridabad.

Endorsement No. 3426, dated the 23rd December, 1994.

A copy, with three spare copies is forwarded to the Financial Commissioner and Secretary to Government, Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

The 25th January, 1995

No. 14/13/87-6Lab./44. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar in respect of the dispute between the workman and the management of The Director, Food and Supply Department, Haryana, Chandigarh *versus* Naresh Kumar.

BEFORE SHRI B. R. VOHRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HISAR.

Reference No. 157 of 93

Date of receipt : 8-9-93.

Date of decision : 2-1-95.

SHRI NARESH KUMAR G/O MAZDOOR EKTA UNION, HISAR .. *Applicant.*

versus

1. DIRECTOR, FOOD AND SUPPLY DEPARTMENT, HARYANA, CHANDIGARH
2. DISTRICT FOOD AND SUPPLY CONTROLLER, HISAR .. *Respondent-Management.*

Present :

Shri Bhagwat Dayal, authorised representative alongwith workman.

Shri C. L. Gupta and Sita Ram, ADA for management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Dispute Act, 1947, the Governor of Haryana referred the following dispute

between Naresh Kumar, and the above mentioned management for adjudication to this Court,—*vide* Labour Department letter No. HSR/161-93/33058—64, dated 1st September, 1993 :—

Whether termination of services of Shri Naresh Kumar, is justified and *in order*? If not, to what relief is he entitled?

2. The case of the petitioner is that his services were terminated by the management in an illegal manner.

3. The case was being contested and was fixed for evidence of the management for 6th February, 1995 when the parties arrived at an amicable settlement. The file was put on the written request of the parties and the statements of the parties were recorded.

4. In view of the statements of the parties recorded on file, the petitioner has already been taken on duty by the management the management agreed to give him benefit of continuity of service. The petitioner has given up his claim of back wages. Thus, no dispute survives for adjudication. The reference is answered accordingly, with no order as to costs.

B. R. VOHRA,

The 2nd January, 1995

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Hisar.

Endorsement No. 11, dated 3rd January, 1995.

A copy, with two spare copies, is forwarded to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh for necessary action.

B. R. VOHRA,

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Hisar.

No. 14/13/87-6 Lab./45.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar in respect of the dispute between the workman and the management of The Director, Food and Supply Department Haryana Chandigarh *versus* Sawan Ram:—

BEFORE SHRI B. R. VOHRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HISAR

Reference No. 162 of 93

Date of receipt : 8-9-93

Date of decision : 2-1-95

SHRI SAWAN RAM C/O MAZDOOR EKTA UNION, HISAR

.. *Applicant*

versus

1. DIRECTOR, FOOD AND SUPPLY DEPARTMENT, HARYANA,
CHANDIGARH.

2. DISTRICT FOOD AND SUPPLY CONTROLLER, HISAR. .. *Respondent-Management*

Present :

Shri Bhagwant Dayal, authorised representative alongwith workman.

Shri C. L. Gupta and Sita Ram, ADA for management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between Sawan Ram and the above mentioned management for adjudication to this Court,—*vide* Labour Department letter No. Hsr/161-93/33013-18, dated 1st September, 1993 :—

Whether termination of services of Shri Sawan Ram is justified and in order? If not, to what relief is he entitled?

2. The case of the petitioner is that his services were terminated by the management in an illegal manner.

3. The case was being contested, and was fixed for evidence of the management for 6th February, 1995, when the parties arrived at an amicable settlement. The file was put up on the written request of the parties and the statements of the parties were recorded.

4. In view of the statements of the parties recorded on file, the petitioner has already been taken on duty by the management. The management agreed to give him benefit of continuity of service. The petitioner has given up his claim of back wages. Thus, no dispute survives for adjudication. The reference is answered accordingly, with no order as to costs.

Dated 2nd January, 1995.

B. R. VOHRA,

Presiding Officer,

Industrial Tribunal-cum-
Labour Court, Hisar.

Endorsement No. 6 dated 3rd January, 1995.

A copy, with two spare copies, is forwarded to the Financial Commissioner and Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, for necessary action.

B. R. VOHRA,

Presiding Officer,

Industrial Tribunal-cum-
Labour Court, Hisar.

No. 14/13/87-6Lab./46. —In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar in respect of the dispute between the workman and the management of Director, Food and Supply Department, Haryana, Chandigarh *versus* Ram Sarup.

BEFORE SHRI B. R. VOHRA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, HISAR.

Reference No. 161 of 1993

Date of receipt: 8-9-93

Date of decision: 2-1-95

SHRI RAM SARUP C.O MAZDOOR EKTA UNION,
HISAR

.. Applicant

versus

1. DIRECTOR, FOOD AND SUPPLY DEPARTMENT,
HARYANA, CHANDIGARH.
2. DISTRICT FOOD AND SUPPLY CONTROLLER,
HISAR

.. Respondent-Management

Present :

Shri Bhagwat Dayal, Authorised Representative alongwith workman.
Shri C. L. Gupta and Sita Ram, ADA for management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Ram Sarup and the above mentioned management for adjudication to this Court,—*vide* Labour Department, letter No. Hsr./161—93/33019-25, dated 1st September, 1993 :—

Whether the termination of services of Ram Sarup is justified and order ? If not, to what relief is he entitled ?

2. The case of the petitioner is that his services were terminated by the management in an illegal manner.

3. The case was being contested, and was fixed for evidence of the management for 6th February, 1995, when the parties arrived at an amicable settlement. The file was put on the written request of the parties and the statements of the parties were recorded.

4. In view of the statements of the parties recorded on file, the petitioner has already been taken on duty by the management. The management agreed to give him benefit of continuity of service. The petitioner has given up his claim of back wages. Thus, no dispute survives for adjudication. The reference is answered accordingly, with no order as to costs.

The 2nd January, 1995.

B. R. VOHRA,

Presiding Officer,

Industrial Tribunal-cum-
Labour Court, Hisar.

Endorsement No. 7, dated 3rd January, 1995.

A copy, with two spare copies, is forwarded to the Financial Commissioner and Secretary to Govt. Haryana, Labour and Employment Department, Chandigarh for necessary action.

B. R. VOHRA,

Presiding Officer,

Industrial Tribunal-cum-
Labour Court, Hisar.

No. 14/13/87-6Lab./47.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947),* the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar in respect of the dispute between the workman and the management of Director, Food and Supply Department, Haryana, Chandigarh *versus* Shri Subhash Chander.

BEFORE SHRI B. R. VOHRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HISAR

Reference No. 160 of 93

Date of receipt : 8-9-93

Date of decision : 2-1-95

SHRI SUBHASH CHANDER, C/O MAZDOOR EKTA UNION, HISAR

.. *Applicant*

versus

(1) DIRECTOR, FOOD & SUPPLY DEPARTMENT, HARYANA, CHANDIGARH.

(2) DISTRICT FOOD & SUPPLY CONTROLLER, HISAR .. *Respondent-Management*

Present :

Shri Bhagwat Dayal, A, R. alongwith workman.

Shri C. L. Gupta & Sita Ram, ADA for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 the Governor of Haryana referred the following dispute between Subhash Chander and the above-mentioned management for adjudication to this Court,—*vide* Labour Department letter No. Hsr./161-93/33036—42, dated 1st September, 1993 :—

Whether termination of services of Shri Subhash Chander is justified and in order ? If not, to what relief is he entitled to ?

2. The case of the petitioner is that his services were terminated by the management in an illegal manner.

3. The case was being contested, and was fixed for evidence of the management for 6th February, 1995, when the parties arrived at an amicable settlement. The file was put up on the written request of the parties and the statements of the parties were recorded.

4. In view of the statements of the parties recorded on file, the petitioner has already been taken on duty by the management. The management agreed to give him benefit of continuity of service. The petitioner was given up his claim of back wages. Thus, no dispute survives for adjudication. The reference is answered accordingly, with no order as to costs.

B. R. VOHRA,

The 2nd January, 1995.

Presiding Officer,

Industrial Tribunal-cum-Labour Court,
Hisar.

Endorsement No. 8, dated the 3rd January, 1995.

A copy, with two spare copies, is forwarded, to the Financial Commissioner and, Secretary to Government, Haryana, Labour and Employment Department, Chandigarh for necessary action.

B. R. VOHRA,

Presiding Officer,

Industrial Tribunal-cum-Labour Court,
Hisar.

No. 14/13/87-6 Lab./50.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar, in respect of dispute between the workman and the management of M/s. Rama Fibres Ltd., Bamla (Bhiwani) *versus* Shanker.

BEFORE SHRI B. R. VOHRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HISSAR.

Reference No. B/1/94

Date of receipt .. 13-1-94

Date of decision .. 4-1-95

SHRI SHANKER C/O RAMA SUTA MAZDOOR SANGH, 116, LABOUR COLONY,
BHIWANI

.. *Applicant*

versus

M/S RAMA FIBRES LTD., BAMLA (BHIWANI)

.. *Respondent-Management*

Present:

None on behalf of the parties.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between Shanker and the above-mentioned management for adjudication to this Court, —*vide* Labour Department letter No. Bwn./215—93/472—77, dated 5th January, 1993 :—

Whether the termination of services of Shri Shanker is justified and in order ? If not, to what relief is he entitled ?

2. The case of the petitioner is that his services were terminated by the management on 9th March, 1993 in an illegal manner.

3. On receipt of reference from the Government notices were sent to the parties. Shri M.M. Kaushal appeared on behalf of the management while none appeared on behalf of the workman. The workman was summoned many times on his union's address and lastly he was summoned at his home address through registered A. D. post. The registered letter was received back with a report "addressee has died." In these circumstances, I hold that the workman could not be summoned as he has died.

4. Today, the case has been called several times since morning and it is 4.00 P. M. None appeared on behalf of the management also. In these circumstances, I have no other alternative, but to hold that the workman has died and the management is not interested in the decision of the case. I hold accordingly. The reference is answered accordingly, with no order as to costs.

B. R. VOHRA,

The 4th January, 1995.

Presiding Officer,

Industrial Tribunal-cum-Labour Court,
Hisar.

Endorsement No. 69, dated 9th January, 1995.

A copy, with two spare copies is forwarded to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, for necessary action.

B. R. VOHRA,

Presiding Officer,

Industrial Tribunal-cum-Labour Court,
Hisar.

No. 14/13/87-6Lab./51.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar in respect Chief Superintendent, Govt. Live Stock Farm, Hisar *versus* Chander Bhan.

BEFORE SHRI B. R. VOHRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HISAR

Reference No. 12 of 91

Date of receipt : 14-1-1991

Date of decision : 4-1-1994

SHRI CHANDAR BHAN, S/O BAGWANT, C/O MAZDOOR EKTA UNION, HISAR

.. *Applicant*

versus

CHIEF SUPERINTENDENT, GOVT. LIVE STOCK FARM, HISAR

.. *Respondent-mgt.*

Present :

Shri Bhagwat Dayal, for the workman.

Shri Deepak Sikka, for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section(1) of Section 10 of the Industrial Disputes Act, 1947 (for short, 'the Act'), the Governor of Haryana referred the following dispute between Chander Bhan and the above mentioned management for adjudication to this Court,—*vide* Labour Deptt. letter No. Hsr/146-90/1273—78, dated 8th January, 1991 :—

Whether termination of services of Chander Bhan is justified and in order ? If not, to what relief is he entitled ?

2. According to the workman, he was appointed as Chowkidar in November, 1987 and he was removed from the service in July, 1988. He further stated that he was again taken on duty in April, 1989 and he worked as such upto February, 1990, when his services were again terminated in an illegal manner. He also alleged that termination of his services amounted to unfair labour practice and the management violated the provisions of Section 25-F and 25-G of the Act. He prayed for reinstatement, with full back wages and other consequential benefits.

3. The management, in its written statement, pleaded that the petitioner has worked as daily wager from December, 1989 to February, 1990 and thereafter he left the job of his own will. It was further pleaded that the petitioner had not completed 240 days service during 12 months.

4. On the pleadings of the parties, the following issues were framed on 11th July, 1991 by my learned predecessor :—

1. As per terms of reference.
2. Whether the respondent-management is not industry ?
3. Whether the petitioner abandoned the job of his own will ? If so, to what effect ?
4. Whether the claim petition is not maintainable in the present form ?
5. Relief.

5. The parties led evidence in support of their rival claims. I have heard Shri Bhagwat Dayal, A.R. of the workman and Shri Deepak Sikka, A. R. of the management and have gone through the case file. My findings on the above issues are as under :—

Issue No. 1 :

6. According to the workman Chander Bhan, he was appointed as Chowkidar in the year 1987 and he worked upto February, 1990. He further stated that no notice was given to him before terminating his services and no compensation was paid to him. He adduced in evidence documents Ex. W-1 and Ex. W-2.

7. On behalf of the management, Sh. Deepak Sikka was examined as MWI and according to him, the workman, who was appointed as daily wager, had worked at Government Livestock Farm from December, 1989 to February 1990 and he adduced in evidence the details of working days of the workman as contained in the written statement Ex. M-1. He also deposed that the workman was fined Rs. 1000 for having beaten Chandi Ram, Chowkidar, while on duty and has also adduced in evidence a private settlement Ex. M-3.

8. In the demand notice, the workman had admitted that he was earlier removed from service in July 1988 and was taken back in service in April, 1989. In this way, the workman has admitted that he was not working under the management since August, 1988 to March, 1989. This plea of the workman goes to corroborate the working days given in the letter Ex. W1, adduced in evidence by the workman himself. When the working days admitted by the management in the written statement as also in the letter Ex. W-2 are scrutinized vis-a-vis the working days given in letter Ex. W1, it would be seen that the working days relating to December, 1989 are repeated in these two letters (Ex. W-1 and Ex. W-2) and as such, when the working days of the workman during the preceding twelve months from February, 1990 are calculated, the working days of 53 relating to January and February, 1990 will be added to the working days of 160, relating to the year 1989, as shown in the letter Ex. W-1 and in this way, the workman has proved that he had worked for 213 days in all during the preceding twelve months from February, 1990, when admittedly, his services were terminated.

9. This is one of the plea of the workman that during July, 1989, though he worked for the entire month, but the name of his wife had been entered in the record for 15 days. This is so mentioned in the demand notice. However, Chander Bhan workman is conspicuously silent in this regard, when he entered in the witness box as WW-1. Surprisingly, the workman had not summoned the relevant muster rolls for the month of July, 1989 to prove this assertion and as such, this plea of the workman has to be negatived.

10. During arguments, Shri Bhagwat Dayal, A.R. of the workman argued that the workman be given benefit of gazetted holidays and weekly rests and so computed, 30 more days ought to be added to the above total of 213 days. As already stated above, the workman has not summoned muster rolls for any period and there is no material on the file to show that the workman was not paid wages for the gazetted holidays or that he was not allowed weekly paid rests. Even the workman, who appeared as WW-1, had not uttered a word stating that he was not allowed weekly paid rests or wages for gazetted holidays. There is thus, no material what-so-ever on the file to show that the workman was not allowed wages for gazetted holidays or weekly paid rests and in the absence of such evidence, it is not possible to give such concession new to the workman for the purpose of completing the total working days of the workman.

11. As the workman had rendered 213 days job during the preceding twelve months, the management was not obliged to comply with the provisions of Section 25F of the Act and the termination of services of the workman, can not be said to be illegal. Accordingly, the workman is not entitled to any relief. This issue is, therefore, answered in favour of the management.

Issue No. 2, 3 and 4 :

12. All these issues were not pressed by the A. R. of the management and were conceded to by him during arguments. All these issues are, therefore, decided against the management.

Issue No. 5 Relief :

13. In view of my findings on the above issues, the termination of services of the petitioner is held just and proper and he is not entitled to any relief. The reference is answered accordingly, with no order as to costs.

B. R. VOHRA,

The 4th April, 1995

Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Hisar.

Endorsement No. The dated

A copy, with two spare copies, is forwarded to the Financial Correspondent and Secretary to Government Haryana, Labour & Employment Department, Chandigarh for necessary action.

B. R. VOHRA,

Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Hisar.

No. 14/13/87-6Lab./55.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar in respect of the dispute between the workman and the management of Director, Food and Supply Department, Haryana, Chandigarh *versus* Nek Singh.

BEFORE SHRI B. R. VOHRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HISAR

Reference No. 158 of 93

Date of Receipt : 8-9-93

Date of Decision : 2-11-95

SHRI NEK SINGH, C/O MAZDOOR EKTA UNION, HISAR

.. *Applicant*

versus

1. DIRECTOR, FOOD AND SUPPLY DEPTT., HARYANA, CHANDIGARH

2. DISTT. FOOD AND SUPPLY CONTROLLER, HISAR .. *Respondent-management*

Present :

Shri Bhagwat Dayal, authorised representative alongwith workman.

Shri C. L. Gupta and Sita Ram, ADA for management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Nek Singh and the above mentioned management of adjudication to this Court,—*vide* Labour Department letter No. Hsr/161-93/33051- 57, dated 1st September, 1993 :—

Whether termination of services of Nek Singh, is justified and in order ? If not, to what relief is he entitled ?

2. The case of the petitioner is that his services were terminated by the management in an illegal manner.

3. The case was being contested, and was fixed for evidence of the management for 6th February, 1995, when the parties arrived at an amicable settlement. The file was put up on the written request of the parties and the statements of the parties were recorded.

4. In view of the statements of the parties recorded on file, the petitioner has already been taken on duty by the management. The management agreed to give him benefit of continuity of services. The petitioner has given up his claim of back wages. Thus, no dispute survives for adjudication. The reference is answered accordingly, with regard as to costs.

The 2nd January, 1995.

B. R. VOHRA,

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Hisar.

Endorsement No. 10, dated the 3rd January, 1995.

A copy, with two spare copy, is forwarded to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh for necessary action.

B. R. VOHRA,

Presiding Officer,
Industrial Tribunal-cum-Labour Court
Hisar.

The 23rd January, 1995

No. 14/13/87-6 Lab./52.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II Faridabad in respect of the dispute between the workman and the management of M/s Haryana Refractories (P) Ltd. *versus* Sudershan Pal:—

**IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER LABOUR COURT-II,
FARIDABAD**

Reference No. 204/94

between

**THE MANAGEMENT OF M/S HARYANA REFRactories (P) LTD. PLOT
NO. 65-66, SECTOR-25, FARIDABAD**

versus

**THE WORKMAN NAMELY SHRI SUDERSHAN PAL, C/O FARIDABAD
KAMGAR UNION (REGD.), CITU OFFICE, BHUD COLONY,
OLD FARIDABAD.**

Present :

Shri Rakesh Bansal, for the workman.

None for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (l) of section 10 of the Industrial Disputes Act, 1947 (herein-after referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above to this court for adjudication.—*vide* Haryana Government Endst. No. 24798—03, dated 24th June, 1994 :—

Whether the termination of services of Shri Sudershan Pal, is legal and justified ? If not, to what relief, is he entitled ?

2. The case of the workman is that he was appointed by the management as operator on 9th October, 1976 and has last drawn wages were Rs. 1,134.60 P. The employees union served a demand notice dated 10th April, 1993 on the management giving 15 days time to settle the demands. The management instead of settling the dispute on 1st July, 1993 all of a sudden stopped the present workman and 22 other workman on the gate. They lodged a complaint with the Labour Inspector and the management was summoned to appear and produce record on 13th July, 1993. The management did not produce the record before the Labour Inspector on 13th July, 1993 and so they were advised to serve demand notice. The termination of his services effected in this manner by the management is illegal and unjustified. He is thus, entitled to be reinstated into service with continuity in service with full back wages.

3. Notice was sent to the management under registered cover to appear in the court but it was received back undelivered with the remarks of the postal authorities that they had refused to take notice. Consequently, it was ordered that the management be proceeded against *ex parte*.

4. The workman has led evidence by filing affidavit containing the aforesaid position.

5. I have heard the authorised representative of the workmen.

6. It stands proved from the unrebutted position given in the affidavit that the services of the workman were terminated illegally in violation of the provisions of section 25-F of the Act. Consequently, the workman is entitled to be reinstated into service with continuity in service and full back wages. The award is passed accordingly.

The 23rd December, 1994.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

Endst. No. 3441, dated 23rd December, 1994.

A copy, with three spare copies is forwarded to the Financial Commissioner and Secretary to the Government Haryana, Labour Department Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

No. 14/13/87-6 Lab./53.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Refractories (P) Ltd., *versus* Parmod Kumar.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER, LABOUR
COURT-II, FARIDABAD
Reference No. 206/94.

Between

THE MANAGEMENT OF M/S HARYANA REFRactories (P) LTD.,
PLOT NO. 65-66, SECTOR 25, FARIDABAD

versus

THE WORKMAN NAMELY :—SHRI PARMOD KUMAR, C/O FARIDABAD KAMGAR
UNION (REGD.), CITU OFFICE, BHUD COLONY, OLD
FARIDABAD

Present :

Shri Rakesh Bansal, for the workman.

None, for the management.

AWARD

In exercise of the powers conferred by Clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (here-in-after referred to as 'the Act'), the Governor of Haryana has referred the following dispute, between the parties, mentioned above, to this Court for adjudication,—*vide* Haryana Government Endorsement No. 24810—15, dated 24th June, 1994 :—

Whether the termination of services of Shri Parmod Kumar, is legal and justified ? If not, to what relief is he entitled to ?

2. The case of the workman is that he was appointed by the management as Operator on 3rd November, 1976 and his last drawn wages were Rs. 1134.60. The employees union served a demand notice dated 10th April, 1993 on the management giving 15 days time to settle the demands. The management instead of settling the dispute on 1st July, 1993 all of a sudden stepped the present workman and 22 other workmen on the gate. They lodged a complaint with the Labour Inspector and the management was summoned to appear and produced record on 13th July, 1993. The management did not produce the record before the Labour Inspector on 13th July, 1993 and so they were advised to serve demand notice. The termination of his services effected in this manner by the management is illegal and unjustified. He is thus, entitled to be reinstated into service with continuity in service with full back wages.

3. Notices were sent to the management under registered cover to appear in the court but it was received back undelivered with the remarks of the postal authorities that they had refused to take notice. Consequently, it was ordered that the management be proceeded against *ex parte*.

4. The workman has led evidence by filing affidavit containing the aforesaid position.

5. I have heard the authorised representative of the workman.

6. It stands proved from the unrebutted position given in the affidavit that the services of the workman were terminated illegally in violation of the provisions of Section 25-F of the Act. Consequently, the workman is entitled to be reinstated into service with continuity in service and full back wages. The award is passed accordingly.

U. B. KHANDUA,

Presiding Officer,
Labour Court-II,
Faridabad.

Endorsement No. 3443, dated the 23rd December, 1994.

A copy, with three spare copies is forwarded to the Financial Commissioner and Secretary to the Government Haryana, Labour Department Chandigarh.

U. B. KHANDUA,
Presiding Officer,
Labour Court-II,
Faridabad.

No. 14/13/87-6Lab/56.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Refractories (P) Ltd. *Versus* Bachai Ram.

IN THE COURT OF SHRI U. B. KHANDUA, PRESIDING OFFICER, LABOUR COURT-II, FARIDABAD

Reference No. 196/94.

between

THE MANAGEMENT OF M/S HARYANA REFRactories (P) LTD ,
PLOT NO 65-66, SECTOR 25, FARIDABAD

versus

THE WORKMAN NAMELY :—SHRI BACHAI RAM, C/O FARIDABAD KAMGAR UNION (REGD), CITU OFFICE, BHUD COLONY, OLD FARIDABAD

Present :

Shri. Rakesh Bansal, for the workman.

None, for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (herein-after referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above, to this court for adjudication,—vide Haryana Government Endorsement No. 24755—60, dated 24th June, 1994 :—

Whether the termination of services of Shri Bachai Ram is legal and justified ? If not, to what relief, is he entitled to ?

2. The case of the workman is that he was appointed by the management as Fitter on 4th October, 1975 and his last drawn wages were Rs. 1169.60. The employees union served a demand notice dated 10th April, 1993 on the management giving 15 days time to settle the demands. The management in stead of settling the dispute on 1st July, 1993 all of a sudden stopped the present workman and 22 other workmen on the gate. They lodged a complaint with the Labour Inspector and the management was summoned to appear and produce record on 13th July, 1993. The management did not produce the record before the Labour Inspector on 13th July, 1993 and so they were advised to serve demand notice. The termination of his services in this manner by the management is illegal and unjustified. He is thus, entitled to be reinstated into service with continuity in service with full back wages.

3. Notice was sent to the management under registered cover to appear in the court but it was received back undelivered with the remarks of the postal authorities that they had refused to take notice. Consequently, it was ordered that the management be proceeded against *ex parte*.

4. The workman has led evidence by filing affidavit containing the aforesaid position.

5. I have heard the authorised representative of the workman.

6. It stands proved from the unrebutted position given in the affidavit that the services of the workman were terminated illegally in violation of the provision of Section 25-F of the Act. Consequently, the workman is entitled to be reinstated into service with continuity in service and full back wages. The award is passed accordingly.

U. B. KHANDUJA,

Dated the 23rd December, 1994.

Presiding Officer,
Labour Court-II,
Faridabad.

Endorsement No. 2435, dated the 23rd December, 1994.

A copy, with three spare copies is forwarded to the Financial Commissioner and Secretary to the Government, Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

No. 14/13/87-6Lab./57.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Refractories (P) Ltd., *versus* Son Dei

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II, FARIDABAD
Reference No. 198/94

between

THE MANAGEMENT OF M/S HARYANA REFRactories (P) LTD., PLOT
NO. 65-66, SECTOR-25, FARIDABAD

versus

THE WORKMAN NAMELY SMT. SON DEI, C/O FARIDABAD KAMGAR
UNION (REGD.), CITU OFFICE, BHUD COLONY, FARIDABAD

Present :

Shri Rakesh Bansal, for the workman.

None for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (here-in-after referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above, to this court for adjudication,—*vide* Haryana Government Endst. No. 24768—73, dated 24th June, 1994:—

Whether the termination of services of Smt. Son Dei is legal and justified? If not, to what relief, is she entitled to?

2. The case of the workman is that she was appointed on 1st August, 1986 and her last drawn wages were Rs. 1034·60. The employees union served a demand notice dated 10th April, 1993 on the management giving 15 days time to settle the demands. The management instead of settling the dispute on 1st July, 1993 all of a sudden stopped the present workman and 22 other workmen on the gate. They lodged a complaint with the Labour Inspector and the management was summoned to appear and produced record on 13th July, 1993. The management did not produce the record before the Labour Inspector on 13th July, 1993 and so they were advised to serve demand notice. The termination of his services effected in this manner by the management is illegal and unjustified. He is thus, entitled to be reinstated into service with continuity in service with full back wages.

3. Notice was sent to the management under registered cover to appear in the court but it was received back undelivered with the remarks of the postal authorities that they had refused to take notice. Consequently, it was ordered that the management be proceeded against *ex parte*.

4. The workman has led evidence by filing affidavit containing the aforesaid position.

5. I have heard the authorised representative of the workman.

6. It stands proved from the unrebutted position given in the affidavit that the services of the workman were terminated illegally in violation of the provisions of section 25-F of the Act. Consequently, the workman is entitled to be reinstated into service with continuity in service and full back wages. The award is passed accordingly.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

23rd December, 1994

Endorsement No. 2436, dated the 23rd December, 1994

A copy, with three spare copies is forwarded to the Financial Commissioner and Secretary to the Government, Haryana, Labour Departments, Chandigarh.

U. B. KHANDUJA,
Presiding Officer,
Labour Court-II,
Faridabad.

No. 14/13/87-6Lab./58.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Refractories (P) Ltd., Plot No. 65-66 Sector 25, Faridabad *versus* Ram Sarif.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, FARIDABAD

Reference No. 213/94

between

THE MANAGEMENT OF M/S. HARYANA REFRactories (P) LTD., PLOT NO. 65-66, SECTOR-25, FARIDABAD

versus

THE WORKMAN NAMELY SHRI RAM SARIF, C/O FARIDABAD KAMCAR UNION (REGD.), CITU OFFICE, BHUD COLONY, OLD FARIDABAD.

Present :

Shri Rakesh Bansal, for the workman.
None, for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, (hereinafter referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties, mentioned above, to this Court, for adjudication,—*vide* Haryana Government, Endorsement No. 24853—58, dated 24th June, 1994.

Whether termination of services of Shri Ram Sarif is legal and justified ? If not, to what relief is he entitled to ?

2. The case of the workman is that he was appointed by the management as helper on 3rd May, 1977 and his last drawn wages were Rs. 1109·60. The employees union served a demand notice dated 10th April, 1993 on the management giving 15 days time to settle the demands. The management in stead of settling the dispute on 1st July, 1993 all of a sudden stopped the present workman and 22 other workmen on the gate. They lodged a complaint with the Labour Inspector and the management was summoned to appear and produce record on 13th July, 1993. The management did not produce the record before the Labour Inspector on 13th July, 1993 and so they were advised to serve demand notice. The termination of his services effected in this manner by the management is illegal and unjustified. He is thus, entitled to be reinstated into service with continuity in service with full back wages.

3. Notice was sent to the management under registered cover to appear in the court but it was received back undelivered with the remarks of the postal authorities that they had refused to take notice. Consequently, it was ordered that the management be proceeded against *ex parte*.

4. The workman has led evidence by filling affidavit containing the aforesaid position.

5. I have heard the authorised representative of the workman.

6. It stands proved from the unrefuted position given in the affidavit that the services of the workman were terminated illegally in violation of the provisions of Section 25—F of the Act. Consequently, the workman is entitled to be reinstated in to service with continuity in service and full back wages. The award is passed accordingly.

U. B. KHANDUJA,

The 23rd December, 1994.

Presiding Officer,
Labour Court-II,
Faridabad.

Endorsement No. 2437, dated the 23rd December, 1994.

A copy, with three spare copies is forwarded to the Financial Commissioner and Secretary to the Government Haryana, Labour Department, Chandigarh.

U. B KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

No. 14/13/87-6Lab./59.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Refractories (P) Ltd., *versus* Rajpal.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER, LABOUR COURT-II,
FARIDABAD,

Reference No. 203/94

between

THE MANAGEMENT OF M/S HARYANA REFRactories (P) LTD.,
PLOT NO. 65-66, SECTOR 25, FARIDABAD

versus

THE WORKMAN NAMELY :—SHRI RAJPAL; C/O FARIDABAD KAMGAR
UNION (REGD.), CITU OFFICE, BHUD COLONY,
OLD FARIDABAD

Present :

Shri Rakesh Bansal, for the workman.

None, for the management.

AWARD

In exercise of the powers conferred by clause (c) of Sub-Section (i) of Section 10 of the Industrial Disputes Act, 1947 (herein-after referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above, to this Court for adjudication,—*vide* Haryana Government, Endorsement No. 24792—97 dated 24th June, 1994 :—

Whether the termination of services of Shri Rajpal is legal and justified ? If not, to what relief, is he entitled to ?

2. The case of the workman is that he was appointed by the management as Fireman on 1st September, 1986 and his last drawn wages were Rs. 1,134.60. The employees union served a demand notice dated 10th April, 1993 on the management giving 15 days time to settle the demands. The management instead of settling the dispute on 1st July, 1993 all of a sudden stopped the present workman and 22 other workman on the gate. They lodged a complaint with the Labour Inspector and the management was summoned to appear and produced record on 13th July, 1993. The management did not produce the record before the Labour Inspector on 13th July, 1993 and so they were advised to serve demand notice. The termination of his services effected in this manner by the management is illegal and unjustified. He is thus, entitled to be reinstated into service with continuity in service with full back wages.

3. Notice was sent to the management under registered cover to appear in the Court but it was received back undelivered with the remarks of the postal authorities that they had refused to take notice. Consequently, it was ordered that the management be proceeded against *ex parte*.

4. The workman has led evidence by filing affidavit containing the aforesaid position.

5. I have heard the authorised representative of the workman.

6. It stands proved from the unrebuted position given in the affidavit that the services of the workman were terminated illegally in violation of the provisions of Section 25-F of the Act. Consequently, the workman is entitled to be reinstated into service with continuity in service and full back wages. The award is passed accordingly.

U. B. KHANDUJA,

Dated the 23rd December, 1994.

Presiding Officer,
Labour Court-II,
Faridabad.

Endorsement No. 2438, dated the 23rd December, 1994.

A copy with three spare copies, is forwarded to the Financial Commissioner & Secretary to Government Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.